

**DRAFT**

The Honorable Dave McCurdy  
Committee on Science and Technology  
House of Representatives  
Washington, D.C. 20515

Dear Congressman McCurdy:

I understand that the Committee on Science and Technology will consider in the near future a bill, H.R. 2889, that provides for a computer security research program and training of federal employees involved in the management, operation and use of computers. The Administration has taken a position in opposition to the bill on the grounds that the Government already has in place a mechanism to educate employees on computer security and to conduct research into computer vulnerability. The Agency supports this position. Nevertheless, should the House decide to move forward with this bill, we would urge you to consider a few minor changes so as to preserve the authority of the Director of Central Intelligence to continue the Agency's own very strict computer security program in accordance with established guidelines.

The Agency is concerned with Section 6 of the bill, as reported out of the House Government Operations Committee. Section 6 of the bill mandates that each federal agency take an inventory of computers that store sensitive but unclassified information and develop a plan for the security of the computers and related telecommunication systems. The plan would then be submitted to National Security Agency (NSA) and National Bureau of Standards (NBS) for comment, and be subject to disapproval by the General Services Administration (GSA). If this provision were applied to the Agency, it would require that the Agency submit its plans for protecting computers that store unclassified but sensitive data to NSA, NBS and GSA. One problem with having to submit security plans for advice, comment and approval is that such plans and programs are frequently in flux. Each time a change is made in the security plan, we would have to report the plan to NSA and NBS, and await the approval of GSA. To delay instituting a new security procedure while awaiting for what is sure to be a slow advice, comment and approval process would unnecessarily jeopardize security. More importantly, we have serious reservations about disclosing security systems which may themselves be classified

even though the material they protect is unclassified but sensitive. The bill contains no provisions for protecting or limiting the distribution of these plans and procedures. Without such limitations on the distribution of our security plans, the possibility of compromise of such plans is increased.

Our concerns with respect to Section 6 of the bill were alleviated during the markup of the bill by the Subcommittee on Transportation, Aviation and Materials of the House Science and Technology Committee. The subcommittee amended the provision so as to make it applicable to computers subject to §111 of the Federal Property and Administrative Services Act or Chapter 35 of title 44, United States Code. Since the Agency is exempt from these provisions, Section 6 of the bill as reported out of the subcommittee on Transportation, Aviation, and Materials would not affect the Agency.

I understand that Congressman Glickman will offer an amendment in the nature of substitute to P.R. 2889, as reported out of the Transportation, Aviation and Materials Subcommittee. The new version does not explicitly limit Section 6 of the bill to those computers subject to the Federal Property and Administrative Services Act or Chapter 35 of Title 44, United States Code. While our analysis still leads us to the conclusion that revised Section 6 does not apply to the Agency, the section on its face is no longer clear on this point. Because of our concerns expressed above, we would strongly urge you to support the language in Section 6 of the bill as amended by the Subcommittee on Transportation, Aviation and Materials, rather than the language contained in Section 6 of the bill as reported out of the House Government Operations Committee or in Congressman Glickman's amendment.

If you or your staff have any questions regarding the position of the CIA on this legislation, please do not hesitate to contact me or [redacted] of my staff at [redacted]

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The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

David D. Gries  
Director, Office of Congressional Affairs